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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT TACOMA

9 L.A. FITNESS INTERNATIONAL LLC,

10 Plaintiff,

11 v.

12 DAIJA HARDING,

13 Defendant.

Case No. C09-5537-RJB

ORDER TO SHOW CAUSE RE
JURISDICTION

14 This matter comes before the court on review of the Plaintiff L.A. Fitness' Complaint (Dkt.
15 1) and Motion to Compel Arbitration and to Stay (Dkt. 3), both filed with the court on September 3,
16 2009. The court has considered the relevant documents and the remainder of the file herein.

17 On July 9, 2009, Defendant Harding filed a civil action against L.A. Fitness and several
18 L.A. Fitness employees in Multnomah County Circuit Court in Oregon, No. 0907-9358 (Or. Cir. Ct.
19 July 9, 2009), alleging unlawful termination, sexual discrimination based on a hostile work
20 environment, retaliation for resisting sexual discrimination, intentional infliction of emotional
21 distress, and negligent supervision. Dkt. 3-2. On September 3, 2009, Plaintiff L.A. Fitness filed a
22 complaint in this court, seeking a declaratory judgment from this court obligating the defendant to
23 arbitrate her claims against the plaintiff utilizing Washington substantive law. Dkt. 1. On the same
24 day, L.A. Fitness filed a Motion to Compel Arbitration and to Stay, requesting the court to 1)
25 compel Ms. Harding to arbitrate her claims and 2) stay the proceedings in Multnomah County

1 Circuit Court pending the conclusion of arbitration. Dkt. 3.

2 Jurisdiction is a threshold issue that must be raised *sua sponte*. *Steel Co. v. Citizens for a*
3 *Better Environment*, 523 U.S. 83, 94-95 (1998). It is clear from the record that Ms. Harding filed a
4 lawsuit in Oregon circuit court against L.A. Fitness. What is unclear is why the current action is in
5 federal court in the Western District of Washington. L.A. Fitness does not provide any information
6 as to why a separate cause of action was filed in this court when the underlying issues are already in
7 the process of litigation in a different forum—namely Multnomah Circuit Court in Oregon.
8 Specifically, the plaintiff has failed to show why the Oregon lawsuit was not removed to federal
9 court if diversity jurisdiction exists, and why, assuming that diversity is established, the Western
10 District of Washington is the proper venue to resolve this conflict rather than the District of Oregon.

11
12 Therefore, it is hereby

13 **ORDERED** that the plaintiff shall show cause in writing with respect to the following:

14 1) why this Motion cannot be resolved in Multnomah County Circuit Court,

15 2) why federal jurisdiction is invoked in this action, and

16 3) why the Western District of Washington is the proper venue.

17 Plaintiff L.A. Fitness shall show cause in writing by Friday, October 2, 2009. The defendant may
18 file a response to the plaintiff's showing by October 9, 2009. The plaintiff may file a reply to the
19 defendant's response by October 15, 2009. The plaintiff's Motion to Compel Arbitration and to
20 Stay (Dkt. 3) is hereby re-noted for Friday, October 16, 2009. If the plaintiff fails to respond to this
21 order, or fails to adequately set forth this court's jurisdiction, the court may dismiss this action.

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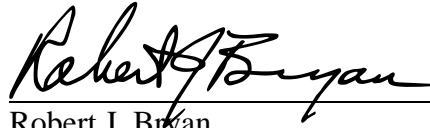
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1 The Clerk of the Court is instructed to send uncertified copies of this Order to all counsel of
2 record and to any party appearing *pro se* at said party's last known address.

3 DATED this 18th day of September, 2008.

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6 Robert J. Bryan
7 United States District Judge
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